KING, HOLMES, PATERNO & BERLINER, LLP 1 HOWARD E. KING, ESQ., STATE BAR NO. 77012 STEPHEN D. ROTHSCHILD, ESQ., STATE BAR NO. 132514 ROTHSCHILD@KHPBLAW.COM 1900 AVENUE OF THE STARS, 25TH FLOOR 3 Los Angeles, California 90067-4506 TELEPHONE: (310) 282-8989 FACSIMILE: (310) 282-8903 4 5 Attorneys for Plaintiff and Counter-Defendant GLENN DANZIG 6 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION 9 10 GLENN DANZIG, an individual, CASE NO. CV14-02540 RGK-RZx 11 Hon. R. Gary Klausner Plaintiff, 12 JOINT TRIAL EXHIBIT LIST 13 VS. Jury Trial: GERALD CAIAFA, an individual; Date: May 5, 2015 Time: 9:00 a.m. CYCLOPIAN MUSIC, INC., a corporation; and DOES 1 through 10, Ctrm.: 850 15 inclusive, Action Filed: April 3, 2014 16 Defendants. May 5, 2015 Trial Date: 17 AND RELATED COUNTERCLAIM. 18 19 20 TO THE HONORABLE COURT: 21 Plaintiff GLENN DANZIG ("plaintiff"), on the one hand, and on the other 22 hand defendant GERALD CAIAFA and defendant and counterclaimant 23 CYCLOPIAN MUSIC, INC. ("defendants"), hereby submit the following joint list 24 of exhibits which they presently intend to offer as evidence at trial, excluding those 25 which may be used soley for impeachment. 26 The Parties reserve all of their respective objections to the authenticity and 27 admissibility of any exhibit below, including objections based on relevance. Each side's objections to the otherside's exhibits are listed below.

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BERLINER, LLP

KING, HOLMES,

$1 \ $				Stip. to	Stip. to	Date	Date
	Ex.	Description	Objection	Authen.	Admiss.	Identified	Admitted
2		INTIFF'S TRIA	L EXHIBITS				
3	1.	Undated Classic era	Plaintiff failed to produce or identify these				
4		photographs	documents in response				
5		of Misfits and CD cover. [7	to discovery and it is an untimely disclosure. For				
6		pp.]	example, Defendants requested Plaintiff				
$_{7}\Vert$			identify all documents				
			supporting his claims and he did not produce				
8			this or any other documents and did not				
9			identify these documents. Fed. R. Civ.				
10			P. 37. Consequently,				
11			these documents should be excluded because				
12			they are the result of undue delay and will				
13			cause Defendants unfair				
			prejudice given that Plaintiff failed to				
14			identify these documents as supporting his claims				
15			in response to specific requests for (and to				
16			identify) all documents				
17			supporting his claims. Fed. R. Evid. 403.				
18			Moreover, there is no indicia of authentication				
19			and foundation, such as the origin, originator,				
20			date of origination, complete chain of				
21			custody, and				
			authentication by someone with				
22			knowledge of the document. Fed. R. Evid.				
23			602, 901.				
24	2.	Undated	Plaintiff has not put this				
25		Misfits 138 design. [1	image at issue in this action and it is unclear				
26		pg.]	how this image is				
27			relevant to Plaintiff's claim. Fed. R. Evid.				
28			401, 402. Plaintiff failed to produce or identify				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$			this document in response to discovery				
			and it is an untimely disclosure.				
4 5			For example, Defendants requested Plaintiff				
6			identify all documents supporting his claims				
			and he did not produce this or any other				
7			documents and did not identify this document.				
8			Fed. R. Civ. P. 37.				
9			Consequently, this document should be				
10			excluded because it is the result of undue delay				
11			and will cause Defendants unfair				
12			prejudice given that Plaintiff failed to				
13			identify this document as				
14			supporting his claims in response to specific				
15			requests for (and to identify) all documents				
16			supporting his claims. Fed. R. Evid. 403.				
			Moreover, there is no indicia of authentication				
17			and foundation, such as the origin, originator,				
18			date of origination, complete chain of				
19			custody, and				
20			authentication by someone with				
21			knowledge of the document. Fed. R. Evid.				
22			602, 901.				
23	3.	Undated Misfit Skull	Plaintiff has not put this				
24		Misfit Skull. [1 pg.]	image at issue in this action and it is unclear				
25			how this image is relevant to Plaintiff's				
26			claim. Fed. R. Evid. 401, 402. Plaintiff failed				
27			to produce or identify this document in				
28			response to discovery and it is an untimely				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2			disclosure. For example, Defendants requested				
3			Plaintiff identify all				
4			documents supporting his claims and he did not produce this or any other				
5			documents and did not identify this document.				
6			Fed. R. Civ. P. 37. Consequently, this				
7			document should be excluded because it is				
8			the result of undue delay and will cause				
9			Defendants unfair prejudice given that				
10			Plaintiff failed to identify this document as				
11			supporting his claims in response to specific				
12			requests for (and to identify) all documents				
13			supporting his claims. Fed. R. Evid. 403.				
14			Moreover, there is no indicia of authentication				
15			and foundation, such as the origin, originator,				
16 17			date of origination, complete chain of				
18			custody, and authentication by				
19			someone with knowledge of the				
20			document. Fed. R. Evid. 602, 901.				
21	4.	Hot Tonic	To the extent that				
22	4.	Hot Topic, Inc. records of payments to	Plaintiff has copies, but has failed to produce				
23		Cyclopian Music, Inc.	them, then Defendants object as follows:				
24		for Skull merchandise	Plaintiff failed to produce or identify this				
25		(to be produced	document in response to discovery and it is an				
26		pursuant to trial subpoena	untimely disclosure. For example, Defendants				
27		to Hot Topic, Inc.).	requested Plaintiff identify all documents				
28		1110.7.	supporting his claims and he did not produce				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2			this or any other documents and did not				
3			identify this document. Fed. R. Civ. P. 37.				
4 5			Consequently, this document should be				
6			excluded because it is the result of undue delay				
7			and will cause Defendants unfair				
8			prejudice given that Plaintiff failed to				
9			identify this document as supporting his claims in				
10			response to specific requests for (and to identify) all documents				
11			supporting his claims. Fed. R. Evid. 403.				
12			Defendants reserve the right to object to				
13			Plaintiff's trial subpoena for these documents.				
14	5.	Hot Topic,	To the extent that				
15		Inc. purchase orders/invoice	Plaintiff has copies, but has failed to produce				
16		s to/from Cyclopian	them, then Defendants object as follows:				
17		Music, Inc. for Skull	Plaintiff failed to produce or identify this				
18 19		merchandise (to be	document in response to discovery and it is an				
20		produced pursuant to trial subpoena	untimely disclosure. For example, Defendants requested Plaintiff				
21		to Hot Topic, Inc.).	identify all documents supporting his claims				
22			and he did not produce this or any other				
23			documents and did not identify this document.				
24			Fed. R. Civ. P. 37. Consequently, this				
25			document should be excluded because it is				
26			the result of undue delay and will cause				
27			Defendants unfair prejudice given that Plaintiff failed to				
28			identify this document as				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		-	supporting his claims in				
3			response to specific requests for (and to				
4			identify) all documents supporting his claims.				
5			Fed. R. Evid. 403. Defendants reserve the				
6			right to object to Plaintiff's trial subpoena				
7			for these documents.				
8	6.	00/00/1982	Plaintiff failed to				
9		Photograph of 1982 Misfits	produce or identify this document in response to				
10		performance illustrating	discovery and it is an untimely disclosure. For				
11		Skull logo on an amplifier.	example, Defendants requested Plaintiff				
12		[1 pg.]	identify all documents				
13			supporting his claims and he did not produce				
			this or any other documents and did not				
14			identify this document. Fed. R. Civ. P. 37.				
15			Consequently, this document should be				
16			excluded because it is the result of undue delay				
17			and will cause Defendants unfair				
18			prejudice given that Plaintiff failed to				
19			identify this document as				
20			supporting his claims in response to specific				
21			requests for (and to identify) all documents				
22			supporting his claims. Fed. R. Evid. 403.				
23			Moreover, there is no indicia of authentication				
24			and foundation, such as the origin, originator,				
25			date of origination, complete chain of				
26			custody, and authentication by				
27			someone with				
28			knowledge of the document. Fed. R. Evid. 602. 901.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	7.	00/00/1982	Plaintiff failed to				
3		CD cover, liner notes and	produce or identify this document in response to				
4		CD entitled, "Misfits Walk	discovery and it is an untimely disclosure. For				
5		Among Us" released in	example, Defendants requested Plaintiff				
6		1982. [4 pp.]	identify all documents supporting his claims				
7			and he did not produce this or any other				
8			documents and did not identify this document. Fed. R. Civ. P. 37.				
9			Consequently, this document should be				
10			excluded because it is the result of undue delay				
11			and will cause Defendants unfair				
12			prejudice given that Plaintiff failed to				
13			identify this document as supporting his claims in				
14 15			response to specific requests for (and to				
16			identify) all documents supporting his claims.				
17			Fed. R. Evid. 403.				
18	8.	00/00/1983 Video from	Plaintiff failed to produce or identify this				
19		1983 Misfits performance,	document in response to discovery and it is an				
20		When the Evening	untimely disclosure. For example, Defendants				
21		Comes The Misfits	requested Plaintiff identify all documents				
22		(LIVE)'	supporting his claims and he did not produce				
23			this or any other documents and did not				
24			identify this document. Fed. R. Civ. P. 37.				
25			Consequently, this document should be				
26			excluded because it is the result of undue delay				
27			and will cause Defendants unfair				
28			prejudice given that Plaintiff failed to				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3 4 5 6 7 8 9 10 11			identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403. Moreover, there is no indicia of authentication and foundation, such as the origin, originator, date of origination, complete chain of custody, and authentication by someone with knowledge of the document. Fed. R. Evid. 602, 901.				
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	9.	00/00/1986 CD cover, liner notes and CD entitled, "Misfits", aka "Collection 1", released in 1986. [4 pp.]	Plaintiff failed to produce or identify this document in response to discovery and it is an untimely disclosure. For example, Defendants requested Plaintiff identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	10.	00/00/1989	Plaintiff failed to				
3		CD cover, liner notes and	produce or identify this document in response to				
4		CD entitled, "Misfits	discovery and it is an untimely disclosure. For				
5		Legacy of Brutality"	example, Defendants requested Plaintiff				
6		released in 1989. [1 pg.]	identify all documents supporting his claims				
7			and he did not produce this or any other				
8			documents and did not identify this document.				
9			Fed. R. Civ. P. 37. Consequently, this				
10			document should be excluded because it is				
11			the result of undue delay and will cause				
12			Defendants unfair prejudice given that				
13			Plaintiff failed to identify this document as				
14			supporting his claims in response to specific				
15			requests for (and to identify) all documents				
16			supporting his claims. Fed. R. Evid. 403.				
17	11.	*00/00/1989	This "interview" does				
18		Yeszista Interview with	not contain information that is relevant to				
19		Gerald "Jerry" Caiafa. [3	Plaintiff's claim. Fed. R. Evid. 401, 402.				
20		pp.]	Plaintiff failed to produce or identify this				
21			document in response to discovery and it is an				
22 23			untimely disclosure. For example, Defendants				
23 24			requested Plaintiff identify all documents				
24 25			supporting his claims and he did not produce				
25 26			this or any other documents and did not				
20 27			identify this document. Fed. R. Civ. P. 37.				
28			Consequently, this document should be excluded because it is				
40			excluded because it is				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$			the result of undue delay and will cause				
4			Defendants unfair prejudice given that				
5			Plaintiff failed to identify this document as supporting his claims in				
6			response to specific requests for (and to				
7			identify) all documents supporting his claims.				
8		Fed. R. Evid. 403. Moreover, there is no					
9		indicia of authentication and foundation, such as					
10			the origin, originator, date of origination, complete chain of				
11		custody, and authentication by					
12 13			someone with knowledge of the				
14		document. Fed. R. Evid. 602, 901.					
15	12.	*3/27/1991	Plaintiff has not put this				
16		Memorandum of Agreement	agreement at issue in this action and it is				
17		between Giant Merchandisin	unclear how it is relevant to his claim				
18		g and Glenn Danzig. [12	regardless, it is dated outside the statute of				
19		pp.]	limitations. Fed. R. Evid. 401, 402. Plaintiff failed to produce or				
20			identify this document in response to discovery				
21			and it is an untimely disclosure. For example,				
22			Defendants requested Plaintiff identify all				
23			documents supporting his claims and he did not				
24 25			produce this or any other documents and did not				
26 26			identify this document. Fed. R. Civ. P. 37. Consequently, this				
27			document should be excluded because it is				
28			the result of undue delay and will cause				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	LA.	Description	Defendants unfair	Authen.	Aumss.	Identified	Admitted
3			prejudice given that Plaintiff failed to				
4			identify this document as				
5			supporting his claims in response to specific				
			requests for (and to identify) all documents				
6			supporting his claims. Fed. R. Evid. 403.				
7			Moreover, there is no				
8			indicia of authentication and foundation, such as				
9			the origin, originator, date of origination,				
10			complete chain of custody, and				
11			authentication by someone with				
12			knowledge of the				
13			document. Fed. R. Evid. 602, 901.				
14	13.	*10/21/1992	Plaintiff has not put this				
15	13.	First quarter	agreement at issue in				
		wholesale	this action and it is unclear how it is				
16		royalty statement	relevant to his claim regardless, it is dated				
17		from Giant Merchandisin	outside the statute of limitations. Fed. R.				
18		g to Glenn Danzig. [1	Evid. 401, 402. Plaintiff failed to produce or				
19		pg.]	identify this document in response to discovery				
20			and it is an untimely				
21			disclosure. For example, Defendants requested				
22			Plaintiff identify all documents supporting				
23			his claims and he did not produce this or any other				
24			documents and did not identify this document.				
25			Fed. R. Civ. P. 37.				
			Consequently, this document should be				
26			excluded because it is the result of undue delay				
27			and will cause Defendants unfair				
28			preiudice given that				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	LA.	Description	Plaintiff failed to	Authen.	Aumss.	Identified	Admitted
3			identify this document as				
4			supporting his claims in response to specific				
5			requests for (and to identify) all documents				
6			supporting his claims. Fed. R. Evid. 403.				
			Moreover, there is no indicia of authentication				
7			and foundation, such as				
8			the origin, originator, date of origination,				
9			complete chain of custody, and				
10			authentication by someone with				
11			knowledge of the document. Fed. R. Evid.				
12			602, 901.				
13	14.	*11/3/1993	Plaintiff has not put this				
14		Third quarter 1993	agreement at issue in this action and it is				
15		wholesale royalty	unclear how it is relevant to his claim				
16		statement from Giant	regardless, it is dated outside the statute of				
17		Merchandisin g to Glenn	limitations. Fed. R. Evid. 401, 402. Plaintiff				
18		Danzig. [1	failed to produce or				
19		pg.]	identify this document in response to discovery				
			and it is an untimely disclosure. For example,				
20			Defendants requested Plaintiff identify all				
21			documents supporting his claims and he did not				
22			produce this or any other documents and did not				
23			identify this document. Fed. R. Civ. P. 37.				
24			Consequently, this document should be				
25			excluded because it is				
26			the result of undue delay and will cause				
27			Defendants unfair prejudice given that Plaintiff failed to				
28			Plaintiff failed to identify this document as				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2			supporting his claims in				
3			response to specific requests for (and to identify) all documents				
4			supporting his claims. Fed. R. Evid. 403.				
5			Moreover, there is no indicia of authentication				
6			and foundation, such as the origin, originator,				
7			date of origination, complete chain of				
8			custody, and authentication by				
9			someone with knowledge of the				
10			document. Fed. R. Evid. 602, 901.				
11	1.5	*0/20/1002	,				
12	15.	*9/30/1993 Second	Plaintiff has not put this agreement at issue in				
13		quarter 1993 royalty	this action and it is unclear how it is				
14		statement from Giant	relevant to his claim regardless, it is dated				
15 16		Merchandisin g to Glenn	outside the statute of limitations. Fed. R.				
17		Danzig. [1 pg.]	Evid. 401, 402. Plaintiff failed to produce or				
18			identify this document in response to discovery				
19			and it is an untimely disclosure. For example, Defendants requested				
20			Plaintiff identify all				
21			documents supporting his claims and he did not produce this or any other				
22			documents and did not identify this document.				
23			Fed. R. Civ. P. 37. Consequently, this				
24			document should be excluded because it is				
25			the result of undue delay and will cause				
26			Defendants unfair prejudice given that				
27			Plaintiff failed to identify this document as				
28			supporting his claims in response to specific				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	EA.	Description	·	Authen.	Aumss.	Identified	Aumitteu
3			requests for (and to identify) all documents supporting his claims.				
4			supporting his claims. Fed. R. Evid. 403.				
5			Moreover, there is no indicia of authentication				
			and foundation, such as				
6			the origin, originator, date of origination,				
7			complete chain of custody, and				
8			authentication by				
9			someone with knowledge of the				
			document. Fed. R. Evid. 602, 901.				
10			002, 901.				
11	16.	*1/19/1994	Plaintiff has not put this				
12		Fourth quarter 1993	agreement at issue in this action and it is				
13		wholesale	unclear how it is relevant to his claim				
		royalty statement	regardless, it is dated				
14		from Giant Merchandisin	outside the statute of limitations. Fed. R.				
15		g to Glenn	Evid. 401, 402. Plaintiff				
16		Danzig. [1 pg.]	failed to produce or identify this document in				
17			response to discovery				
			and it is an untimely disclosure. For example,				
18			Defendants requested Plaintiff identify all				
19			documents supporting				
20			his claims and he did not produce this or any other				
21			documents and did not identify this document.				
			Fed. R. Civ. P. 37.				
22			Consequently, this document should be				
23			excluded because it is				
24			the result of undue delay and will cause				
25			Defendants unfair prejudice given that				
			prejudice given that Plaintiff failed to				
26			identify this document as supporting his claims in				
27			response to specific				
28			requests for (and to identify) all documents				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{bmatrix} 2 \\ 3 \\ 4 \end{bmatrix}$			supporting his claims. Fed. R. Evid. 403. Moreover, there is no indicia of authentication				
5			and foundation, such as the origin, originator, date of origination,				
6			complete chain of custody, and				
7 8			authentication by someone with knowledge of the				
9			document. Fed. R. Evid. 602, 901.				
10	17.	12/31/94 Settlement					
11 12		Agreement among Gerald Caiafa, Paul					
13		Caiafa, Frank Licata, Julio					
14		Valverde, and Glenn Danzig. 8 pp.]					
15 16	18.	*00/00/1995	Plaintiff has not put this				
17		Vinyl album cover, liner notes and	at issue in this action and it is unclear how it is relevant. Fed. R. Evid.				
18		album entitled, "Misfits	401, 402. Plaintiff failed to produce or identify this document in				
19 20		Collection II" released in	response to discovery and it is an untimely				
21		1995. [4 pp.]	disclosure. For example, Defendants requested Plaintiff identify all				
22			documents supporting his claims and he did not				
23 24			produce this or any other documents and did not identify this document.				
25			Fed. R. Civ. P. 37. Consequently, this document should be				
26			excluded because it is the result of undue delay				
27 28			and will cause Defendants unfair prejudice given that				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$			Plaintiff failed to identify this document as				
4			supporting his claims in response to specific requests for (and to				
5			identify) all documents supporting his claims. Fed. R. Evid. 403.				
6			Fed. R. Evid. 403.				
7	19.	*00/00/1995 Front and	Plaintiff has not put this at issue in this action and				
8 9		back covers, liner insert	it is unclear how it is relevant. Fed. R. Evid.				
10		and CD entitled, "Misfits	401, 402. Plaintiff failed to produce or identify this document in				
11		Collection II" released in	response to discovery and it is an untimely				
12		1995. [8 pp.]	disclosure. For example, Defendants requested				
13			Plaintiff identify all documents supporting his claims and he did not				
14			produce this or any other documents and did not				
15			identify this document. Fed. R. Civ. P. 37.				
16 17			Consequently, this document should be				
18			excluded because it is the result of undue delay and will cause				
19			Defendants unfair prejudice given that Plaintiff failed to				
20			identify this document as				
21			supporting his claims in response to specific requests for (and to				
22			identify) all documents supporting his claims.				
23			Fed. R. Evid. 403.				
24 25	20.	*00/00/1995 CD cover,	Plaintiff has not put this at issue in this action and				
26 26		liner notes and CD entitled,	it is unclear how it is relevant. Fed. R. Evid.				
27		"Earth Misfits A.D." released in 1995. [4	401, 402. Plaintiff failed to produce or identify this document in				
28		pp.l	response to discovery				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$			and it is an untimely disclosure. For example,				
4			Defendants requested Plaintiff identify all				
5			documents supporting his claims and he did not produce this or any other				
6			documents and did not identify this document.				
7			Fed. R. Civ. P. 37. Consequently, this				
8			document should be excluded because it is				
9			the result of undue delay and will cause Defendants unfair				
$egin{array}{c c} 10 \\ 11 \end{array}$			prejudice given that Plaintiff failed to				
12			identify this document as supporting his claims in				
13			response to specific requests for (and to identify) all documents				
14			supporting his claims. Fed. R. Evid. 403.				
15	21.	*1/1/1995	Plaintiff failed to				
16	21.	Agreement between	produce or identify this document in response to				
17		Caroline Records, Inc.	discovery and it is an untimely disclosure. For				
18 19		and Glenn Danzig, dba Plan 9	example, Defendants requested Plaintiff identify all documents				
20		Records. [34 pp.]	supporting his claims and he did not produce				
21			this or any other documents and did not				
22			identify this document. Fed. R. Civ. P. 37.				
23			Consequently, this document should be excluded because it is				
24			the result of undue delay and will cause				
25			Defendants unfair prejudice given that				
26 27			Plaintiff failed to identify this document as				
28			supporting his claims in response to specific requests for (and to				
			reducata for valid to				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		-	identify) all documents				
3			supporting his claims. Fed. R. Evid. 403.				
4	22	*1/2/1007					
5	22.	*1/3/1995 Product	Plaintiff has not put this at issue in this action and				
6		Approval Form from	it is unclear how it is relevant. Fed. R. Evid.				
7		Brockum Global	401, 402. Plaintiff failed to produce or identify				
8		merchandising identifying	this document in response to discovery				
9		decal with Legacy of	and it is an untimely disclosure. For example,				
10		Brutality design. [1 pg.]	Defendants requested Plaintiff identify all				
11		8 1 18 1	documents supporting his claims and he did not				
12			produce this or any other documents and did not				
13			identify this document. Fed. R. Civ. P. 37.				
14			Consequently, this document should be				
15			excluded because it is the result of undue delay				
16			and will cause Defendants unfair				
17			prejudice given that Plaintiff failed to				
18			identify this document as				
19			supporting his claims in response to specific				
20			requests for (and to identify) all documents				
21			supporting his claims. Fed. R. Evid. 403.				
22			Moreover, there is no indicia of authentication				
			and foundation, such as the origin, originator,				
23			date of origination, complete chain of				
24			custody, and authentication by				
25			someone with knowledge of the				
26			document. Fed. R. Evid. 602, 901.				
27							

23. 2/00/1996 Screenshots of an eBay listing for "The Misfits – Limited Edition 4-discus Coffin Box and other materials. [5 pp.] 10	Date Admitted	Date Identified	Stip. to Admiss.	Stip. to Authen.	Objection	Description	Ex.	1
Screenshots of an eBay listing for "The Misfits – Limited Edition 4- discus Coffin Box and other materials. [5 pp.]					This is not relevant	2/00/1996	23.	2
listing for "The Misfits – Limited Edition 4- discus Coffin Box and other materials. [5 pp.] Pp.] Plaintiff failed to produce or identify this document in response to discovery and it is an untimely disclosure. For example, Defendants requested Plaintiff identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					because sales by a third			3
Limited Edition 4-discus Coffin Box and other materials. [5 pp.] plo lo l					to Plaintiff's claim. Fed.	listing for		4
discus Coffin Box and other materials. [5 pp.] discus Coffin Box and other materials. [5 pp.] place and other materials. [5 pp.] document in response to discovery and it is an untimely disclosure. For example, Defendants requested Plaintiff identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					Plaintiff failed to	Limited		5
materials. [5 pp.] mutimely disclosure. For example, Defendants requested Plaintiff identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					document in response to	discus Coffin		6
pp.] example, Defendants requested Plaintiff identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					discovery and it is an untimely disclosure. For			
identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					example, Defendants	pp.]		
and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					identify all documents			
documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					and he did not produce			
Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					documents and did not			10
document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					Fed. R. Civ. P. 37.			11
the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					Consequently, this document should be			12
and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.								13
prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					and will cause			14
identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.								15
response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					identify this document as			16
requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403.					response to specific			17
supporting his claims. Fed. R. Evid. 403.					identify) all documents			
Moreover there is no					Fed. R. Evid. 403.			
					Moreover, there is no indicia of authentication			
and foundation, such as					and foundation, such as			
date of origination,					date of origination,			
complete chain of custody, and					custody, and			
authentication by someone with					someone with			23
knowledge of the document. Fed. R. Evid.					document. Fed. R. Evid.			24
25 602, 901. Description of exhibit is inaccurate as					602, 901. Description of			25
the eBay listing appears to be from 2015, not					the eBay listing appears			26
27 1996.								27
28		<u> </u>						28

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	24.	*00/00/1997	Plaintiff failed to	Authen.	Aumss.	Identified	Aumiteu
3	27.	Cover, liner	produce or identify this				
4		notes insert and CD for re-	document in response to discovery and it is an				
5		release of 1982 album	untimely disclosure. For example, Defendants				
		"Misfits Evilive". [4	requested Plaintiff identify all documents				
6		pp.]	supporting his claims and he did not produce				
7			this or any other documents and did not				
8			identify this document.				
9			Fed. R. Civ. P. 37. Consequently, this				
10			document should be excluded because it is				
11			the result of undue delay and will cause				
12			Defendants unfair prejudice given that				
13			prejudice given that Plaintiff failed to identify this document as				
14			supporting his claims in response to specific				
15			requests for (and to				
16			identify) all documents supporting his claims.				
17			Fed. R. Evid. 403.				
18	25.	*00/00/1998 Screenshot of	This is not relevant because sales by a third				
19		Ebay listing	party cannot be relevant				
20		for "vtg '90s 1998 THE	to Plaintiff's claim. Fed. R. Evid. 401, 402.				
		MISFITS long sly Punk t-	Plaintiff failed to produce or identify this				
21		shirt Rare Danzig ML	document in response to discovery and it is an_				
22		Horror Business". [2	untimely disclosure. For example, Defendants				
23		pp.]	requested Plaintiff identify all documents				
24			supporting his claims and he did not produce				
25			this or any other				
26			documents and did not identify this document.				
27			Fed. R. Civ. P. 37. Consequently, this				
28			document should be excluded because it is				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$			the result of undue delay and will cause				
4			Defendants unfair prejudice given that				
5			Plaintiff failed to identify this document as supporting his claims in				
6			response to specific requests for (and to				
7			identify) all documents supporting his claims.				
8			Fed. R. Evid. 403. Moreover, there is no				
9			indicia of authentication and foundation, such as the origin, originator,				
10 11			date of origination, complete chain of				
12			custody, and authentication by				
13			someone with knowledge of the document. Fed. R. Evid.				
14			602, 901. Description of exhibit is inaccurate as				
15			the eBay listing appears to be from 2015, not				
16			1998.				
17	26.	*10/1/1999 Blue Grape	Not accurate description of document. Plaintiff				
18 19		royalty summary	failed to produce or identify this document in				
20		statement for period 10/1/1999 to	response to discovery and it is an untimely disclosure. For example,				
21		12/31/1999. [DANZ 0145	Defendants requested Plaintiff identify all				
22		DANZ 0198, 48 pp.]	documents supporting his claims and he did not				
23			produce this or any other documents and did not				
24			identify this document. Fed. R. Civ. P. 37. Consequently, this				
25			document should be excluded because it is				
26			the result of undue delay and will cause				
27			Defendants unfair prejudice given that Plaintiff failed to				
28			Plaintiff failed to				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	DA.	Description	identify this document as	Authen.	Admiss.	Tuchtificu	Aumitteu
3			supporting his claims in				
4			response to specific requests for (and to				
5			identify) all documents supporting his claims.				
			supporting his claims. Fed. R. Evid. 403. Moreover, there is no				
6			indicia of authentication				
7			and foundation, such as the origin, originator,				
8			date of origination, complete chain of				
9			custody, and authentication by				
10			someone with				
11			knowledge of the document. Fed. R. Evid.				
12			602, 901.				
	27.	*00/00/2000	Plaintiff failed to				
13		Blue Grape's year 2000,	produce or identify this document in response to				
14		Volume 1 catalogue	discovery and it is an untimely disclosure. For				
15		updates. [6 pp.]	example, Defendants requested Plaintiff				
16		 bb·1	identify all documents				
17			supporting his claims and he did not produce				
18			this or any other documents and did not				
19			identify this document. Fed. R. Civ. P. 37.				
20			Consequently, this document should be				
			excluded because it is				
21			the result of undue delay and will cause				
22			Defendants unfair prejudice given that				
23			prejudice given that Plaintiff failed to identify this document as				
24			supporting his claims in				
25			response to specific requests for (and to				
26			identify) all documents				
27			supporting his claims. Fed. R. Evid. 403. Moreover, there is no				
28			indicia of authentication and foundation. such as				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		•	the origin, originator,				
3			date of origination, complete chain of				
4			custody, and authentication by				
5			someone with knowledge of the				
6			document. Fed. R. Evid. 602, 901.				
7	28.	*00/00/2001	Plaintiff failed to				
8		Blue Grape's Summer 2001	produce or identify this document in response to				
9		update sales catalogue. [7	discovery and it is an untimely disclosure. For				
10		pp.]	example, Defendants requested Plaintiff				
11 12			identify all documents supporting his claims				
13			and he did not produce this or any other				
14			documents and did not identify this document. Fed. R. Civ. P. 37.				
15			Consequently, this document should be				
16			excluded because it is the result of undue delay				
17			and will cause Defendants unfair				
18			prejudice given that Plaintiff failed to				
19			identify this document as supporting his claims in				
20			response to specific requests for (and to				
21			identify) all documents supporting his claims.				
22			Fed. R. Evid. 403. Moreover, there is no				
23			indicia of authentication and foundation, such as				
24			the origin, originator, date of origination,				
25			complete chain of custody, and				
26			authentication by someone with				
27			knowledge of the document. Fed. R. Evid.				
28			602, 901.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	29.	*3/19/2001	Plaintiff has not put this	Authen.	Aumss.	Identified	Admitted
3	2).	Blue Grape	at issue in this action and				
4		letter to Glenn Danzig, from	it is unclear how it is relevant. Fed. R. Evid.				
		Ute Linhart regarding	401, 402. Plaintiff failed to produce or identify				
5		Danzig and Misfits textile	this document in				
6		flags. [1 pg.]	response to discovery and it is an untimely				
7			disclosure. For example, Defendants requested				
8			Plaintiff identify all documents supporting				
9			his claims and he did not				
10			produce this or any other documents and did not				
			identify this document. Fed. R. Civ. P. 37.				
11			Consequently, this document should be				
12			excluded because it is				
13			the result of undue delay and will cause				
14			Defendants unfair prejudice given that				
15			prejudice given that Plaintiff failed to				
16			identify this document as supporting his claims in				
17			response to specific requests for (and to				
			identify) all documents supporting his claims.				
18			Fed. R. Evid. 403. Moreover, there is no				
19			indicia of authentication				
20			and foundation, such as the origin, originator,				
21			date of origination, complete chain of				
22			custody, and authentication by				
23			someone with				
24			knowledge of the document. Fed. R. Evid.				
25			602, 901.				
	30.	*3/20/2001	Plaintiff has not put this				
26		Blue Grape letter to Glenn	at issue in this action and it is unclear how it is				
27		Danzig, from Patrick	relevant. Fed. R. Evid. 401, 402. Plaintiff failed				
28		Mahonev	to produce or identify				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\left\ \frac{2}{2} \right\ $		regarding Danzig	this document in response to discovery				
3		Pentagram tee shirt, "Satan's Child" baby	and it is an untimely disclosure. For example,				
4 5		Child" baby doll. [1 pg.]	Defendants requested Plaintiff identify all				
6			documents supporting his claims and he did not				
7			produce this or any other documents and did not				
8			identify this document. Fed. R. Civ. P. 37. Consequently, this				
9			document should be excluded because it is				
10			the result of undue delay and will cause				
11			Defendants unfair prejudice given that				
12			Plaintiff failed to identify this document as supporting his claims in				
13			response to specific requests for (and to				
14 15			identify) all documents supporting his claims.				
16			Hed. R. Evid. 403. Moreover, there is no				
17			indicia of authentication and foundation, such as				
18			the origin, originator, date of origination, complete chain of				
19			custody, and authentication by				
20			someone with knowledge of the				
21			document. Fed. R. Evid. 602, 901.				
22	31.	Intentionally					
23		omitted					
24 25	32.	3/31/2003 Settlement					
26 26		Agreement between Hot					
27		Topic, Inc. and Cyclopian					
28		Music, Inc. [6 pp.]					

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2							
3 4	33.	*6/1/2003 Letter to	Plaintiff has not put this at issue in this action and				
5		Glenn Danzig, from Blue Grape, B.V.	it is unclear how it is relevant. Fed. R. Evid. 401, 402. Plaintiff failed				
6		[7 pp.]	to produce or identify this document in response to discovery				
7			and it is an untimely disclosure. For example,				
8			Defendants requested Plaintiff identify all				
9			documents supporting his claims and he did not				
10 11			produce this or any other documents and did not identify this document.				
12			Fed. R. Civ. P. 37. Consequently, this				
13			document should be excluded because it is				
14			the result of undue delay and will cause Defendants unfair				
15			prejudice given that Plaintiff failed to				
16			identify this document as supporting his claims in				
17			response to specific requests for (and to				
18 19			identify) all documents supporting his claims. Fed. R. Evid. 403.				
20			Moreover, there is no indicia of authentication				
21			and foundation, such as the origin, originator,				
22			date of origination, complete chain of				
23			custody, and authentication by someone with				
24			knowledge of the document. Fed. R. Evid.				
25			602, 901.				
26 27	34.	*10/1/2004 Blue Grape	Not accurate description of document. Plaintiff				
28		royalty summary	failed to produce or identify this document in				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		statement for	response to discovery				
3		period 10/1/2004 to	and it is an untimely disclosure. For example,				
4		12/19/2004. [000109-	Defendants requested Plaintiff identify all				
5		000192, 84 pp.]	documents supporting his claims and he did not				
6		P.1	produce this or any other documents and did not				
7			identify this document. Fed. R. Civ. P. 37.				
8			Consequently, this document should be				
9			excluded because it is				
10			the result of undue delay and will cause				
11			Defendants unfair prejudice given that Plaintiff failed to				
12			identify this document as				
13			supporting his claims in response to specific				
14			requests for (and to identify) all documents				
15			supporting his claims. Fed. R. Evid. 403.				
16			Moreover, there is no indicia of authentication				
17			and foundation, such as the origin, originator,				
18			date of origination, complete chain of				
19			custody, and authentication by				
20			someone with knowledge of the				
21			document. Fed. R. Evid. 602, 901.				
22	35.	*7/8/2005	Plaintiff has not put this				
23		Licensing agreement	at issue and it is not clear how a license				
24		between Glenn Danzig	agreement from 2005 is relevant to Plaintiff's				
25		and B&H Company dba	claim. Fed. R. Evid. 401, 402. Plaintiff failed				
26		Chaser Merchandisin	to produce or identify this document in				
27 27		g. [14 pp.]	response to discovery and it is an untimely				
28			disclosure. For example, Defendants requested				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		-	Plaintiff identify all				
3			documents supporting his claims and he did not				
4			produce this or any other documents and did not				
5			identify this document. Fed. R. Civ. P. 37.				
6			Consequently, this				
$_{7}\Vert$			document should be excluded because it is				
8			the result of undue delay and will cause				
9			Defendants unfair prejudice given that				
			Plaintiff failed to identify this document as				
10			supporting his claims in response to specific				
11			requests for (and to identify) all documents				
12			supporting his claims. Fed. R. Evid. 403.				
13			Moreover, there is no				
14			indicia of authentication and foundation, such as				
15			the origin, originator, date of origination,				
16			complete chain of custody, and				
17			authentication by someone with				
18			knowledge of the document. Fed. R. Evid.				
19			602, 901.				
20	36.	*7/7/2008	Plaintiff has not put this				
21		Agreement entitled,	at issue and it is not clear how a document				
22		"License of Trademark	from 2008 is relevant to Plaintiff's claim. Fed.				
23		and Merchandisin	R. Evid. 401, 402. Plaintiff failed to				
24		g Rights" between	produce or identify this document in response to				
25		Bravado International	discovery and it is an untimely disclosure. For				
26		Group Merchandisin	example, Defendants requested Plaintiff				
27		g Services, Inc. and	identify all documents				
28		Evilive Music, LLC. [25 pp.]	supporting his claims and he did not produce this or any other				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$			documents and did not identify this document.				
4			Fed. R. Civ. P. 37. Consequently, this				
5			document should be excluded because it is				
6			the result of undue delay and will cause				
$\left\ 7 \right\ $			Defendants unfair prejudice given that				
8			Plaintiff failed to identify this document as				
9			supporting his claims in response to specific requests for (and to				
10			identify) all documents				
11			supporting his claims. Fed. R. Evid. 403. Moreover, there is no				
12			indicia of authentication and foundation, such as				
13			the origin, originator, date of origination,				
14			complete chain of custody, and				
15			authentication by someone with				
16			knowledge of the document. Fed. R. Evid. 602, 901.				
17	_		,				
18	37.	1/21/2009 Email from	This document is not relevant because it is				
19		John Cafiero, to Mikey	from outside the statute of limitations. Fed. R.				
20 21		Seitis. [1 pg.]	Evid. 401, 402.				
$\begin{bmatrix} 21 \\ 22 \end{bmatrix}$	38.	4/1/2010 Bravado	Plaintiff has not put this at issue in this action and				
23		International Group MS,	it is unclear how it is relevant. Fed. R. Evid.				
24		Inc. wholesale royalty	401, 402. Plaintiff failed to produce or identify				
25		statement for Misfits	this document in response to discovery				
26		Accessories for period 4/1/2010 to	and it is an untimely disclosure. For example,				
27		6/30/2010 to 6/30/2010. [12 pp.]	Defendants requested Plaintiff identify all				
28		[12 ph.]	documents supporting his claims and he did not				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		-	produce this or any other				
3			documents and did not identify this document.				
4			Fed. R. Civ. P. 37.				
5			Consequently, this document should be				
6			excluded because it is the result of undue delay				
			and will cause Defendants unfair				
7			prejudice given that Plaintiff failed to				
8			identify this document as				
9			supporting his claims in response to specific				
10			requests for (and to identify) all documents				
11			supporting his claims. Fed. R. Evid. 403.				
12			Moreover, there is no indicia of authentication				
13			and foundation, such as				
14			the origin, originator, date of origination,				
15			complete chain of custody, and				
			authentication by someone with				
16			knowledge of the document. Fed. R. Evid.				
17			602, 901.				
18	39.	*7/25/2012	Plaintiff has not put this				
19		Internet pages of "Cliff	at issue in this action and it is unclear how it is				
20		Burton: Metallica's	relevant. Fed. R. Evid.				
21		Mellow	401, 402. Plaintiff failed to produce or identify				
22	Misfit" [5 pp.]	Misfit" [5 pp.]	this document in response to discovery				
23			and it is an untimely disclosure. For example,				
24			Defendants requested Plaintiff identify all				
25			documents supporting his claims and he did not				
26			produce this or any other				
			documents and did not identify this document.				
27			Fed. R. Civ. P. 37. Consequently, this				
28			document should be				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	EA.	Description	excluded because it is	Authen.	Aumiss.	Identified	Admitted
3			the result of undue delay				
4			and will cause Defendants unfair				
			prejudice given that Plaintiff failed to				
5			identify this document as				
6			supporting his claims in response to specific				
7			requests for (and to identify) all documents				
8			supporting his claims. Fed. R. Evid. 403.				
9			Moreover, there is no indicia of authentication				
10			and foundation, such as				
11			the origin, originator, date of origination,				
12			complete chain of custody, and				
			authentication by someone with				
13			knowledge of the document. Fed. R. Evid.				
14			602, 901.				
15	40.	*2/6/2013	Plaintiff has not put this				
16	40.	Robert Arce	at issue in this action and				
17		Chaser Merchandisin	it is unclear how it is relevant. Fed. R. Evid.				
18		g business card and	401, 402. Plaintiff failed to produce or identify				
19		attached designs. [6	this document in response to discovery				
20	pp.]	and it is an untimely disclosure.					
21			For example, Defendants requested Plaintiff				
22			identify all documents				
			supporting his claims and he did not produce				
23			this or any other documents and did not				
24			identify this document. Fed. R. Civ. P. 37.				
25			Consequently, this document should be				
26			excluded because it is				
27			the result of undue delay and will cause				
28			Defendants unfair preiudice given that				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3 4 5 6 7 8	Ex.	Description	Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403. Moreover, there is no indicia of authentication and foundation, such as the origin, originator, date of origination, complete chain of	Authen.	Admiss.	Identified	Admitted
9 10 11 12			custody, and authentication by someone with knowledge of the document. Fed. R. Evid. 602, 901.				
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	41.	4/17/2013 Licensing agreement between Evilive Music, LLC, f/s/o Glenn Danzig and Live Nation Merchandise, Inc. [15 pp.]	Plaintiff failed to produce or identify this document in response to discovery and it is an untimely disclosure. For example, Defendants requested Plaintiff identify all documents supporting his claims and he did not produce this or any other documents and did not identify this document. Fed. R. Civ. P. 37. Consequently, this document should be excluded because it is the result of undue delay and will cause Defendants unfair prejudice given that Plaintiff failed to identify this document as supporting his claims in response to specific requests for (and to identify) all documents supporting his claims. Fed. R. Evid. 403. Moreover, there is no indicia of authentication				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	DA.	Description		raumen.	rumss.	Tuchtificu	Tumtteu
3			and foundation, such as the origin, originator, date of origination,				
4			complete chain of custody, and				
5			authentication by				
6			someone with knowledge of the				
			document. Fed. R. Evid. 602, 901.				
7			002, 701.				
8	42.	2013/2015 Sales	Plaintiff failed to				
9		summaries of	produce or identify this document in response to				
10		Misfits merchandise	discovery and it is an untimely disclosure. For				
11		to retailers other than Hot	example, Defendants requested Plaintiff				
12		Topic, Inc.	identify all documents				
		pursuant to LiveNation	supporting his claims and he did not produce				
13		Merchandise's merchandising	this or any other documents and did not				
14		agreement. [17 pp.]	identify this document. Fed. R. Civ. P. 37.				
15		[17 pp.]	Consequently, this				
16			document should be excluded because it is				
17			the result of undue delay and will cause				
18			Defendants unfair				
			prejudice given that Plaintiff failed to				
19			identify this document as supporting his claims in				
20			response to specific requests for (and to				
21			identify) all documents				
22			supporting his claims. Fed. R. Evid. 403.				
23			Moreover, there is no indicia of authentication				
24			and foundation, such as				
			the origin, originator, date of origination,				
25			complete chain of custody, and				
26			authentication by someone with				
27			knowledge of the				
28			document. Fed. R. Evid. 602. 901. Best evidence				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$2 \parallel$	L'A.	Description		Authen.	Aumss.	Identified	Admitted
3			rule precludes consideration of this summary without				
4			providing the underlying				
5			documents on which it is based, which is the best				
6			evidence of their contents. Fed. R. Evid. 1002.				
7			1002.				
8	43.	3/1/2015 2014 Ebay	This is not relevant because sales by a third				
9		listings with items that bear	party cannot be relevant to Plaintiff's claim. Fed.				
		Misfits Fiend	R. Evid. 401, 402.				
10		Skull and Crimson	Plaintiff failed to produce or identify this				
11		Ghost marks.	document in response to				
12		[5pp.]	discovery and it is an untimely disclosure. For				
13			example, Defendants requested Plaintiff				
			identify all documents				
14			supporting his claims and he did not produce				
15			this or any other documents and did not				
16			identify this document.				
17			Fed. R. Civ. P. 37. Consequently, this				
18			document should be				
			excluded because it is the result of undue delay				
19			and will cause Defendants unfair				
20			prejudice given that Plaintiff failed to				
21			identify this document as				
22			supporting his claims in response to specific				
23			requests for (and to				
			identify) all documents supporting his claims.				
24			supporting his claims. Fed. R. Evid. 403. Moreover, there is no				
25			indicia of authentication				
26			and foundation, such as the origin, originator,				
27			date of origination,				
			complete chain of custody, and				
28			authentication by				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2			someone with				
3			knowledge of the document. Fed. R. Evid. 602, 901.				
4			002, 901.				
5	44.	3/18/2015	Plaintiff's sales of				
6		Glenn Danzig Misfits	merchandise in 2015 are not relevant to Plaintiff's				
7		website as of March 18,	claim. Fed. R. Evid. 401, 402. Plaintiff failed				
8		2015. [17 pp.]	to produce or identify this document in				
9			response to discovery				
			and it is an untimely disclosure. For example,				
10			Defendants requested Plaintiff identify all				
11			documents supporting his claims and he did not				
12			produce this or any other documents and did not				
13			identify this document.				
14			Fed. R. Civ. P. 37. Consequently, this				
15			document should be excluded because it is				
16			the result of undue delay and will cause				
17			Defendants unfair				
18			prejudice given that Plaintiff failed to				
			identify this document as supporting his claims in				
19			response to specific requests for (and to				
20			identify) all documents supporting his claims.				
21			Fed. R. Evid. 403. Moreover, there is no				
22			indicia of authentication				
23			and foundation, such as the origin, originator,				
24			date of origination, complete chain of				
25			custody, and authentication by				
26			someone with				
			knowledge of the document. Fed. R. Evid.				
27			602, 901.				
28	-		ı	1			

1				Stip. to	Stip. to	Date	Date
1	Ex.	Description	Objection	Authen.	Admiss.	Identified	Admitted
2	45.	2014-2015	It is unclear what this				
3		Misfits Fiend Skull Tee	exhibit is and it appears that Plaintiff has not				
4		Shirts sold under license	produced a copy of this				
5		from Glenn	exhibit. Regardless, Plaintiff's sales of				
		Danzig	merchandise in 2014 and 2015 is not relevant to				
6			Plaintiff's claim. Fed.				
7			R. Evid. 401, 402. Plaintiff failed to				
8			produce or identify this				
9			document in response to discovery and it is an				
			untimely disclosure. For example, Defendants				
10			requested Plaintiff				
11			identify all documents supporting his claims				
12			and he did not produce				
13			this or any other documents and did not				
			identify this document. Fed. R. Civ. P. 37.				
14			Consequently, this				
15			document should be excluded because it is				
16			the result of undue delay				
17			and will cause Defendants unfair				
			prejudice given that Plaintiff failed to				
18			identify this document as				
19			supporting his claims in response to specific				
20			requests for (and to				
21			identify) all documents supporting his claims.				
			Fed. R. Evid. 403. Moreover, there is no				
22			indicia of authentication				
23			and foundation, such as the origin, originator,				
24			date of origination,				
25			complete chain of custody, and				
			authentication by someone with				
26			knowledge of the				
27			document. Fed. R. Evid. 602, 901.				
28			,				

1	-	5	0.1.1	Stip. to	Stip. to	Date	Date
2	Ex.	Description	Objection	Authen.	Admiss.	Identified	Admitted
3	46.	2014-2015 Misfits Fiend	It is unclear what this exhibit is and it appears				
		Skull Tee Shirts sold	that Plaintiff has not produced a copy of this				
4		under license	exhibit. It appears to not				
5		from Cyclopian	be relevant to Plaintiff's claim. Fed. R. Evid.				
6		Music, Inc.	401, 402. Plaintiff failed to produce or identify				
7			this document in				
8			response to discovery and it is an untimely				
			disclosure. For example, Defendants requested				
9			Plaintiff identify all				
10			documents supporting his claims and he did not				
11			produce this or any other documents and did not				
12			identify this document.				
13			Fed. R. Civ. P. 37. Consequently, this				
			document should be excluded because it is				
14			the result of undue delay and will cause				
15			Defendants unfair				
16			prejudice given that Plaintiff failed to				
17			identify this document as supporting his claims in				
18			response to specific				
19			requests for (and to identify) all documents				
			supporting his claims. Fed. R. Evid. 403.				
20			Moreover, there is no indicia of authentication				
21			and foundation, such as				
22			the origin, originator, date of origination,				
23			complete chain of custody, and				
24			authentication by				
25			someone with knowledge of the				
			document. Fed. R. Evid. 602, 901.				
26		00405455	,				
27	47.	00/00/2015 Pages from	Plaintiff's sales of merchandise in 2015 is				
28		Live Nation	not relevant to Plaintiff's				

$1 \ $	_			Stip. to	Stip. to	Date	Date
2	Ex.	Description	Objection	Authen.	Admiss.	Identified	Admitted
3		Merchandisin g's	claim. Fed. R. Evid. 401, 402. Plaintiff failed				
		g's Spring/Summ er 2015 of	to produce or identify this document in				
4		products	response to discovery				
5		related to Glenn Danzig	and it is an untimely disclosure. For example,				
6		and his bands The Misfits	Defendants requested Plaintiff identify all				
7		and Samhain.	documents supporting				
8		[6 pp.]	his claims and he did not produce this or any other				
			documents and did not identify this document.				
9			Fed. R. Civ. P. 37.				
10			Consequently, this document should be				
11			excluded because it is the result of undue delay				
12			and will cause				
13			Defendants unfair prejudice given that				
			Plaintiff failed to identify this document as				
14			supporting his claims in				
15			response to specific requests for (and to				
16			identify) all documents supporting his claims.				
17			Fed. R. Evid. 403. Moreover, there is no				
18			indicia of authentication				
19			and foundation, such as the origin, originator,				
			date of origination, complete chain of				
20			custody, and				
21			authentication by someone with				
22			knowledge of the document. Fed. R. Evid.				
23			602, 901.				
24	48.	*3/2/2015	This is not relevant				
25		Screenshots from	because sales by a third party cannot be relevant				
		Ebay.com	to Plaintiff's claim. Fed.				
26		with current examples of	R. Evid. 401, 402. Plaintiff failed to				
27		The Misfits merchandise	produce or identify this document in response to				
28		in the few	discovery and it is an				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		days before March 2,	untimely disclosure. For example, Defendants				
3		2015. [13 pp.]	requested Plaintiff identify all documents				
4 5			supporting his claims and he did not produce				
6			this or any other documents and did not				
7			identify this document. Fed. R. Civ. P. 37.				
8			Consequently, this document should be				
9			excluded because it is the result of undue delay and will cause				
10			Defendants unfair prejudice given that				
11			Plaintiff failed to identify this document as				
12			supporting his claims in response to specific				
13			requests for (and to identify) all documents				
14			supporting his claims. Fed. R. Evid. 403.				
15			Moreover, there is no indicia of authentication				
16			and foundation, such as the origin, originator,				
17			date of origination, complete chain of custody, and				
18			authentication by someone with				
19 20			knowledge of the document. Fed. R. Evid.				
21			602, 901.				
22	49.	*2007-2013 Dockets from					
23		the Trademark Trial and					
24		Appeals Board					
25		reflecting Cyclopian					
26		Music, Inc. requests to					
27		delay answer deadlines,					
28							

1	E	Dogovinskion	Objection	Stip. to	Stip. to	Date	Date
2	Ex.	Description	Objection	Authen.	Admiss.	Identified	Admitted
3		discovery and trial. [107					
		pp.]					
4	50.	Charts/	It is unclear what this				
5	50.	Graphic	exhibit is and it appears				
6		Evidence	that Plaintiff has not produced a copy of this				
			exhibit. Plaintiff failed				
7			to produce or identify this document in				
8			response to discovery				
9			and it is an untimely disclosure. For example,				
10			Defendants requested				
			Plaintiff identify all documents supporting				
11			his claims and he did not				
12			produce this or any other documents and did not				
13			identify this document. Fed. R. Civ. P. 37.				
			Consequently, this				
14			document should be excluded because it is				
15			the result of undue delay				
16			and will cause Defendants unfair				
17			prejudice given that Plaintiff failed to				
			identify this document as				
18			supporting his claims in response to specific				
19			requests for (and to				
20			identify) all documents supporting his claims.				
21			supporting his claims. Fed. R. Evid. 403. Moreover, there is no				
			indicia of authentication				
22			and foundation, such as the origin, originator,				
23			date of origination,				
24			complete chain of custody, and				
25			authentication by someone with				
			knowledge of the				
26			document. Fed. R. Evid. 602, 901.Best evidence				
27			rule precludes				
28			consideration because without providing				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	DA.	Description	underlying documents	Authen.	Admiss.	Identified	Aumitteu
3			on which it is based,				
4			which are the best evidence of their				
			contents. Fed. R. Evid. 1002.				
5			1002.				
6	51.	{Reserved}L NM sales	Plaintiff's sales of merchandise in 2014 and				
7		records	2015 is not relevant.				
8			Fed. R. Evid. 401, 402. Plaintiff failed to				
9			produce or identify this document in response to				
10			discovery and it is an				
			untimely disclosure. For example, Defendants				
11			requested Plaintiff identify all documents				
12			supporting his claims and he did not produce				
13			this or any other				
14			documents and did not identify this document.				
15			Fed. R. Civ. P. 37. Consequently, this				
16			document should be excluded because it is				
17			the result of undue delay and will cause				
			Defendants unfair				
18			prejudice given that Plaintiff failed to				
19			identify this document as supporting his claims in				
20			response to specific				
21			requests for (and to identify) all documents				
22			supporting his claims. Fed. R. Evid. 403.				
23			Moreover, there is no indicia of authentication				
24			and foundation, such as the origin, originator,				
			date of origination,				
25			complete chain of custody, and				
26			authentication by someone with				
27			knowledge of the document. Fed. R. Evid.				
28			602. 901.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	52.	Negotiations	It is unclear what this				
3		of 2003 agreement	exhibit is and it appears that Plaintiff has not				
4		between Hot	produced a copy of this				
5		Topic and defendants	exhibit. This is not relevant because it is				
			from outside the statute of limitations. Fed. R.				
6			Evid. 401, 402. Plaintiff				
7			failed to produce or identify this document in				
8			response to discovery and it is an untimely				
9			disclosure. For example, Defendants requested				
10			Plaintiff identify all				
11			documents supporting his claims and he did not				
			produce this or any other documents and did not				
12			identify this document.				
13			Fed. R. Civ. P. 37. Consequently, this				
14			document should be excluded because it is				
15			the result of undue delay				
16			and will cause Defendants unfair				
			prejudice given that Plaintiff failed to				
17			identify this document as				
18			supporting his claims in response to specific				
19			requests for (and to identify) all documents				
20			supporting his claims. Fed. R. Evid. 403.				
21			Moreover, there is no				
22			indicia of authentication and foundation, such as				
			the origin, originator, date of origination,				
23			complete chain of				
24			custody, and authentication by				
25			someone with knowledge of the				
26			document. Fed. R. Evid.				
27			602, 901.				
28							

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2	53.	Records of	It is unclear what this				
3		defendants' revenues from	exhibit is and it appears that Plaintiff has not				
4		sales of	produced a copy of this exhibit. Plaintiff failed				
5		merchandise bearing Skull	to produce or identify				
		logo to Hot Topic, Inc.	this document in response to discovery				
6		Topic, me.	and it is an untimely				
7			disclosure. For example, Defendants requested				
8			Plaintiff identify all documents supporting				
9			his claims and he did not				
10			produce this or any other documents and did not				
			identify this document. Fed. R. Civ. P. 37.				
11			Consequently, this document should be				
12			excluded because it is				
13			the result of undue delay and will cause				
14			Defendants unfair prejudice given that				
15			Plaintiff failed to				
16			identify this document as supporting his claims in				
			response to specific requests for (and to				
17			identify) all documents				
18			supporting his claims. Fed. R. Evid. 403.				
19			Moreover, there is no indicia of authentication				
20			and foundation, such as				
21			the origin, originator, date of origination,				
22			complete chain of custody, and				
			authentication by someone with				
23			knowledge of the				
24			document. Fed. R. Evid. 602, 901.				
25	E 1	(Dagazza 1)					
26	54.	{Reserved}					
27	55.	{Reserved}					
28		<u> </u>					
-5							

3421.065/874277.4 43

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$	56.	{Reserved}					
4	57.	{Reserved}					
5	58.	{Reserved}					
6	59.	{Reserved}					
7	60.	{Reserved}					
8	61.	{Reserved}					
10	62.	{Reserved}					
11	63.	{Reserved}					
12	64.	{Reserved}					
13 14	65.	{Reserved}					
15	66 - 100	Intentionally omitted.					
16 17	DEF	 ENDANTS'/CO	UNTERCLAIMANT'S T	L RIAL E	XHIBI'	ΓS	
18 19 20 21 22 23 24	101.	December 31, 1994 Settlement Agreement between Gerald Caiafa, Paul Caiafa, Frank Licata, Julio Valverde, and Glenn Danzig (DE 73-2 at 2- 10)					
25 26 27 28	102.	November 20, 2000 Trademark Assignment for "Misfits" trademark and Abstract of Title (DE 73-2	FRE 104(b), 403, 602, 802, 901, 1002, 1005; Document erroneously assumes ownership of trademark without proof; is not relevant to show ownership; is likely to confuse jury as to				

3421.065/874277.4 44

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		at 12-21,	ownership, waste time and cause undue				
3		Cyclop_00031 5-324)	prejudice; constitutes an opinion as to ownership;				
4			author of document lacks personal				
5 6			knowledge; document is				
7			not properly authenticated and is not certified.				
8	103.	December 27,	FRE 104(b), 403, 602,				
9		2002 Trademark	802, 901, 1002, 1005; Document erroneously				
10		Assignment for "Misfits" trademark	assumes ownership of trademark without proof; is not relevant to show				
11		(DE 73-2 at 22-24,	ownership; is likely to confuse jury as to				
12		Cyclop_00032 5-327)	ownership, waste time and cause undue				
13		3 321)	prejudice; constitutes hearsay not subject to				
14			any exception; constitutes an opinion as				
15			to ownership; author of document lacks personal				
16			knowledge; document is not properly				
17 18			authenticated and is not certified.				
19	104.	Electronic	FRE 104(b), 401, 402, 403, 602, 701, 802, 901,				
20		record for trademark	1005; Document				
21		registration for "Fiend	erroneously assumes ownership of trademark				
22		Skull" design (DE 73-2 at	without proof; is not relevant to show				
23		26-27)	ownership; is likely to confuse jury as to				
24			ownership, waste time and cause undue prejudice; constitutes				
25			hearsay not subject to any exception;				
26			constitutes an opinion as to ownership; author of				
27 28			document lacks personal knowledge; document is not properly				

KING, HOLMES, PATERNO & BERLINER, LLP

3421.065/874277.4

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2		-	authenticated and is not				
3			certified.				
4 5	105.	U.S. Trademark	FRE 104(b), 401, 402, 403, 602, 701, 802, 901,				
6		Registration No. 2,770,984 for "Fiend	1005; Document erroneously assumes ownership of trademark				
7		Skull" design (DE 73-2 at	without proof; is not relevant to show				
8		29)	ownership; is likely to confuse jury as to				
9			ownership, waste time and cause undue prejudice; constitutes				
10			hearsay not subject to any exception;				
11			constitutes an opinion as to ownership; author of				
12 13			document lacks personal knowledge; document is				
14			not properly authenticated, and is not certified.				
15	106.	2003					
16	100.	Settlement Agreement					
17		between Hot Topic and					
18		Cyclopian (DE 79,					
19		Cyclop_00032 8-332)					
20 21	107.	1995-2003 Royalty	FRE 104(b), 401, 402, 403, 602, 802, 901,				
22		reports for licensing	1002; Document is not relevant to any issue				
23		Misfits trademarks for	herein, as abandonment is a trademark concept				
24		use on clothing (DE	and plaintiff's rights are contractual; is likely to				
25		80, TTÅB DANZ0301- 399,	confuse jury as to ownership, waste time and cause undue				
26		Cyclop_00021 0-276)	prejudice; constitutes hearsay not subject to				
27		, , , , , , , , , , , , , , , , , , ,	any exception; document is not properly				
, 28			authenticated.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3 4 5 6 7	108.	1999-2003 Danzig's license agreement with Blue Grape, as amended (Cyclop_0002 87-288, 293- 305)	FRE 401,402, 403; Document is not relevant to any issue herein, as abandonment is a trademark concept and plaintiff's rights are contractual; is likely to confuse jury as to matters at issue.				
8 9 10 11 12 13 14 15	109.	Chart from Blue Grape comparing sales of Misfits, Danzig, and Samhain products (Cyclop_0030 6)	FRE 104(b), 401, 402, 403, 602, 701, 802, 901; Document is not relevant to any issue herein, as abandonment is a trademark concept and plaintiff's rights are contractual; is likely to confuse jury as to matters at issue; constitutes hearsay not subject to any exception; document is not properly authenticated.				
16 17 18 19 20 21 22	110.	October 20, 2004 letter from Peter E. Nussbaum to Mark A. Tamoshunas and Siegmar Silber (DE DE 73-4 at 73-76, Cyclop_00316 -139)	FRE 401, 402, 403, 802, 901; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document constitutes hearsay and is not authenticated.				
23 24 25 26 27 28	111.	January 31, 2005 letter from Curtis B. Krasik to Peter E. Nussbaum (DE 73-4 at 78-81, Cyclop_00129 -132)	FRE 104(b), 401, 402, 403, 602, 802; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document constitutes hearsay, argument and opinion; author lacks personal knowledge of the matters stated therein.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3 4 5 6 7	112.	June 29, 2005 letter from Glenn Davis to Felix Sebacious, Bravado International Group (Cyclop_0002 80)	FRE 402, 403, 602, 701, 802, 901; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document is no authenticated				
8 9 10 11 12 13 14 15	113.	*September 21, 2006 Deposition of Felix Sebacious in TTAB proceedings, Cancellation No. 92045173 (DE 73-3 at 2- 110)	FRE 401, 402, 403, 802, 901; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; testimony therein constitutes hearsay not subject to any exception; document is not properly authenticated and dis not an original or certified copy.				
16 17 18 19 20 21 22	114.	January 26, 2007 Opinion in TTAB proceedings Cancellation No. 92/045,173 (DE 73-3 at 117-129)	FRE 104(b), 401, 402, 403, 602, 701, 802, 901, 1005; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; constitutes inadmissible opinion, hearsay not subject to any exception, is unauthenticated and not certified.				
22 23 24 25 26 27	115.	Docket in TTAB proceedings Cancellation No. 92/045,173 (DE 73-3 at 113-115)	FRE 401, 402, 403, 901, 1005; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document is not authenticated or certified.				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3 4 5 6	116.	Docket in TTAB proceedings Cancellation No. 92/050,014 (DE 73-4 at 2-4)	FRE 401, 402, 403, 901, 1005; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document is not authenticated or certified.				
7 8 9 10 11	117.	January 21, 2008 email from John Cafiero to Mikey Seitis (Bates No. Cyclop_00033 3-334)					
12 13 14 15 16 17 18	118.	August 11, 2011 email exchange between Chuck Bernal, Greg Siegel, and Paul McGuigan (Bates No. Cyclop_00033 5-337)	FRE 104(b), 403, 602, 701, 802, 901; Document is not supported by any evidence of the statements therein; constitutes inadmissible opinion and hearsay not subject to any exception; is not authenticated				
19 20 21 22 23 24	119.	October 8, 2011 Article entitled "Riot Fest, Danzig Legacy at the Congress Theater: Live Review" by Jake Austen (Bates No. Cyclop_00034 0-341)	FRE 104(b), 403, 602, 701, 802, 901; Document is not supported by any evidence of the statements therein; constitutes inadmissible opinion and hearsay not subject to any exception; is not authenticated.				
25262728	120.	Songkick posting for October 31, 2011 concert at Gibson Amphitheater	FRE 104(b), 403, 602, 701, 802, 901; Document is not supported by any evidence of the statements therein:				

1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3 4 5		for "Misfits, Samhain, Danzig" (Bates No. Cyclop_00033 8-339)	constitutes inadmissible opinion and hearsay not subject to any exception; is not authenticated.				
6 7 8 9 10 11	121.	May 18, 2012 email from Chuck Bernal of Artist Worldwide to John Cafiero (Bates No. Cyclop_00034 2-343)	FRE 104(b), 403, 602, 701, 802, 901; Document is not supported by any evidence of the statements therein; constitutes inadmissible opinion and hearsay not subject to any exception; is not authenticated.				
12 13 14 15 16	122.	March 21, 2014 email exchange between Curtis B. Krasik and Paul Supnik (DE 73-4 at 6-7)	FRE 401, 402, 403, 602, 701, 802, 901; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document is not authenticated.				
17 18 19 20 21	123.	May 27, 2014 Order suspending TTAB proceedings (DE 73-4 at 9- 10)	FRE 401, 402, 403, 602, 701, 802, 901, 1005; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; document is not authenticated or certified.				
22 23 24 25 26 27 28	124.	January 9, 2015 email string between Vijay Kumar, John Cafiero, and Angela Davis (Bates No. Cyclop_00034 4-345)	FRE 104(b), 401, 402, 403, 602, 701, 802, 901; Document is not supported by any evidence of the statements therein; constitutes inadmissible opinion and hearsay not subject to any exception; is not authenticated.				

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1	Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
2 3	125.	Plaintiff's January 28,	FRE 401, 402, 403; Document is not relevant	. Autilii	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Zuchtnicu	. rumitted
4		2015 Responses to	to any issue and is likely to confuse jury, waste				
5		Defendants' First Set of Requests for	time, and cause undue prejudice.				
6		Production of Documents					
7		(DE 73-4 at 12-33)					
8	126.	Plaintiff's	FRE 401, 402, 403;				
9	120.	January 28, 2015	Document is not relevant to any issue and is likely				
10		Responses to Defendants'	to confuse jury, waste time, and cause undue				
11 12		First Set of Interrogatories (DE 73-4 at	prejudice.				
13		35-48)					
14	127.	February 12, 2015	FRE 401, 402, 403, 701; Document is not relevant				
15		Certificate of Non-	to any issue and is likely to confuse jury, waste				
16		Appearance of Glenn Danzig	time, and cause undue prejudice; Defendants'				
17		(DE 73-4 at 50-68)	contention that plaintiff was required to appear at				
18			his deposition is inadmissible opinion; see Motion in Limine				
19 20			No. 3.				
21	128.	*Color print of cover page					
22		for the Classic Cliffhanger					
23		Serial "The Crimson					
24		Ghost"					
25	129.	* U.S. Trademark	FRE 104(b), 401, 402, 403; Document is not				
26		Registration No. 3,081,865	relevant to any issue and is likely to confuse jury,				
27 28		for "Danzig Skull" design	waste time, and cause undue prejudice; Document is not				

Ex.	Description	Objection	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted
		authenticated or certified; Plaintiff's Motion in Limine No. 1				
130.	*Enlarged image of the "Danzig Skull" design	FRE 104(b), 401, 402, 403; Document is not relevant to any issue and is likely to confuse jury, waste time, and cause undue prejudice; Document is not authenticated or certified; Plaintiff's Motion in Limine No. 1				

Pursuant to Local Rule 5-4.3.4, the undersigned attests that all other signatories listed herein, and on whose behalf this filing is being submitted to this Court, concur in the filing's content and have authorized the filing pursuant to electronic mail exchange this date.

DATED: April 6, 2015

KING, HOLMES, PATERNO & BERLINER, LLP

By:

HOWARD E. KING

STEPHEN D. ROTHSCHILD

Attorneys for Plaintiff and Counter-Defendant

GLENN DANZIG

King, Holmes, Paterno & Berliner, LLP

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DATED: April 6, 2015 **K&L GATES LLP** By: __/s/ CURTIS B. KRASIC CHRISTOPHER M. VERDINI SETH A. GOLD CHRISTINA N. GOODRICH Attorneys for Defendant GERALD CAIAFA and Defendant and Counterclaimant CYCLOPIAN MUSIC, INC.

BERLINER, LLP 3421.065/874277.4 53

KING, HOLMES, PATERNO &

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2015, I electronically filed the foregoing JOINT TRIAL EXHIBIT LIST with the Clerk of the Court by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Yvette T. Toko

KING, HOLMES, PATERNO & BERLINER, LLP